

IAP6 Rec'd PCT/PTO 19 MAR 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gregory I. Bohach

Application No. 10/585,554

Filed: July 6, 2006

Confirmation No. 2238

For: METHODS FOR REDUCING SOMATIC  
CELL COUNT IN MILK

Examiner: Yet To Be Assigned

Art Unit: Yet To Be Assigned

Attorney Reference No. 2815-76916-03

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP MISSING PARTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent  
for Applicant(s)



Date Mailed March 16, 2007

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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

MISSING REQUIREMENTS TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- ☒ Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) with Exhibit A (3 pgs);
- ☒ Signed Combined Declaration and Power of Attorney (2 pages);
- ☒ Surcharge for Late Filing of Fee or Oath or Declaration \$65.00 - Small entity status is claimed for this application; and
- ☒ A check in the amount of \$65.00 (check no. 128948) to cover the required fees.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

cc: Docketing

Respectfully submitted,

03/22/2007 GFREY1 00000033 10585554

KLARQUIST SPARKMAN, LLP

65.00 0P

By



Gillian L. Bunker, Ph.D.

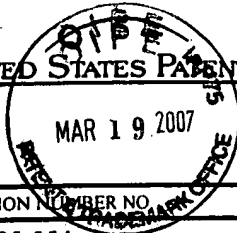
Registration No. 47,461

COPY

I.R.F./GLB  
2815-76916-03



UNITED STATES PATENT AND TRADEMARK OFFICE



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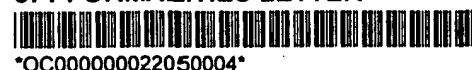
PCF

|   |   |                                    |
|---|---|------------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/585,554 | FIRST NAMED APPLICANT<br>Gregory Bohach | ATTY. DOCKET NO.<br>12136.0003USWO |
|---|---|------------------------------------|

|   |                             |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/US05/00482 |                             |
| I.A. FILING DATE<br>01/07/2005                  | PRIORITY DATE<br>01/08/2004 |

24197  
KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET  
SUITE 1600  
PORTLAND, OR 97204

CONFIRMATION NO. 2238  
371 FORMALITIES LETTER



\*OC000000022050004\*

Date Mailed: 01/18/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/06/2006
- Copy of the International Search Report filed on 07/06/2006
- Preliminary Amendments filed on 07/06/2006
- Information Disclosure Statements filed on 07/06/2006
- Biochemical Sequence Diskette filed on 07/06/2006
- Oath or Declaration filed on 07/06/2006
- Biochemical Sequence Listing filed on 07/06/2006
- Request for Immediate Examination filed on 07/06/2006
- U.S. Basic National Fees filed on 07/06/2006
- Assignment filed on 12/04/2006
- Priority Documents filed on 07/06/2006
- Power of Attorney filed on 12/04/2006

DOCKETED FOR: 3/18/07  
8/18/07  
COMPUTER TL  
BOOK KCR  
SCAN TL  
CC: \_\_\_\_\_

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

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or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

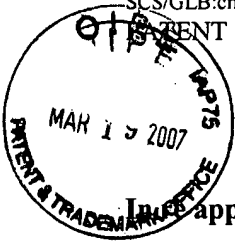
#### PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/585,554                  | PCT/US05/00482                | 12136.0003USWO   |

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FORM PCT/DO/EO/905 (371 Formalities Notice)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: Gregory I. Bohach

Application No. 10/585,554

Filed: July 6, 2006

Confirmation No. 2238

For: METHODS FOR REDUCING SOMATIC  
CELL COUNT IN MILK

Examiner: Yet To Be Assigned

Art Unit: Yet To Be Assigned

Attorney Reference No. 2815-76916-03

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent  
for Applicant(s)

Date Mailed March 16, 2007

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ALEXANDRIA, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This responds to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notification") dated January 18, 2007.

Remarks begin on page 2.

Exhibit A (1 page) is attached hereto.

**Remarks**

The Notification issued by the United States Patent and Trademark Office (PTO) on January 18, 2007, indicates that no statement that the paper and electronic copies of the Sequence Listing were identical was submitted to the PTO with the National Stage filing on July 6, 2006. Applicant respectfully points out that the July 6, 2006 transmittal (copy attached as Exhibit A) included the statement "Applicants state that the paper copy form of the Sequence Listing section of the present application, and the computer readable form submitted herewith, are the same." Applicant believes that this statement satisfies the requirements under 37 CFR 1.821(f).

**Conclusion**

Please call the undersigned at the telephone number listed below to address any issues prior to examination of this application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By



Gillian L. Bunker, Ph.D.  
Registration No. 47,461

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BOHACH  
 Docket: 12136.0003USWO  
 Title: METHODS FOR REDUCING SOMATIC CELL COUNT IN MILK

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 840130178 US  
 Date of Deposit: July 6, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By:   
 Name: John Jankins

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

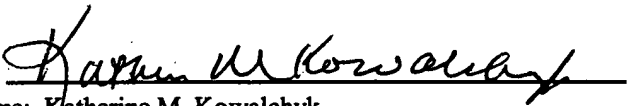
- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application of PCT/US2005/000482: Spec. 16 pgs; 17 claims; Abstract 1 pgs.  
 The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 1 sheets of formal drawings
- ☒ Small entity status is claimed pursuant to 37 CFR 1.27
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ A check in the amount of \$500.00 to cover the Filing Fee
- ☒ Information Disclosure Statement, Form 1449, 3 reference(s).
- ☒ Application Data Sheet, 3 pages.
- ☒ Form PCT 1390
- ☒ Computer readable form of Sequence Listing. Applicants state that the paper copy form of the Sequence Listing section of the present application, and the computer readable form submitted herewith, are the same.
- ☒ Other: Preliminary Amendment, International Publication WO 2005/070452 A2, Form PCT/RO/101, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/ISA/237, Form PCT/IB/308, Form PCT/IB/311, Paper Copy of Sequence Listing (15 pages)
- ☒ Return postcard

**CLAIMS AS FILED**

| Number of Claims Filed        | No. | In Excess of | Extra | Rate   | Fee      |
|-------------------------------|-----|--------------|-------|--------|----------|
| Total Claims                  | 17  | 20           | 0     | 25.00  | = 0.00   |
| Independent Claims            | 2   | 3            | 0     | 100.00 | = 0.00   |
| Multiple Dependent Claims Fee |     |              |       |        | = 0.00   |
| Basic Filing Fee              |     |              |       |        | = 150.00 |
| Search Fee                    |     |              |       |        | = 250.00 |
| Examination Fee               |     |              |       |        | = 100.00 |
| Utility Application Size Fee  | 20  | 100          | 0     | 125.00 | = 0.00   |
| <b>Total</b>                  |     |              |       |        | = 500.00 |

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
 P.O. Box 2903 Minneapolis, MN 55402-0903  
 612.332.5300

By:   
 Name: Katherine M. Kowalchuk  
 Reg. No.: 36,848  
 Initials: KMK/mkc

**23552**

PATENT TRADEMARK OFFICE

(PTO TRANSMITTAL - NEW FILING)

**EXHIBIT A**